

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hame, Markus, et al.
Serial Number: 10/569,169
Filed: 02/27/2006
Group Art Unit: 3651
Examiner: Singh, Kavel
Title: PASSENGER CONVEYOR DRIVE MONITORING ARRANGEMENT WITH BRAKE ACTUATION

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Non-Final Office Action mailed on May 22, 2009.

Applicant respectfully requests reconsideration of this application

Applicant respectfully traverses the rejection under 35 U.S.C. §103 of claims 1-8, 11, 13-15, 17-20, 24, 25 and 26, based upon the proposed combination of the *Kraft* and *Saito* references.

The *Kraft* reference does not teach “having at least one drive member (44) that follows a path around a plurality of wheels (38, 58),” as suggested by the Examiner on page 2 of the Office Action. What the Examiner considers the drive member 44 is a drive unit that is “mounted on the incline” (column 3, lines 45-46). Therefore, it is not possible to construe the drive unit 44 as a drive member that “follows a path around a plurality of wheels.” Further, it is not possible to construe the drive unit 44 as following a path around wheels 38 and 58. As shown best in Figure 2, the wheels 38 are rollers that support the step chain 15 and the wheels 58 are rollers that support the steps. Given the association between the steps and the step chain and the relative positions of the

wheels 38 and 58, it is impossible for the drive unit 44 to be considered to be following a path around those wheels.

Given that the *Kraft* reference does not teach what the Examiner suggests, there is no possible *prima facie* case of obviousness even if it were somehow possible to incorporate a rotary encoder of any kind from the *Saito* reference or any other reference, for that matter. There is no *prima facie* case of obviousness and the rejection must be withdrawn.

Applicant respectfully traverses the rejection of claims 9, 10, 12 and 21-23 based upon the proposed combination of the *Kraft*, *Saito* and *Reinsma* references for the same reasons. The *Kraft* reference does not teach what the Examiner contends and there is no possible *prima facie* case of obviousness.

This case is in condition for allowance.

Respectfully submitted,

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Dated: August 10, 2009